

title I, §§ 1214(a)(2), 1931(a), 1932, Aug. 23, 1988, 102 Stat. 1155, 1320.)

REFERENCES IN TEXT

The Harmonized Tariff Schedule of the United States, referred to in subsecs. (b), (e), and (f), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of Title 19, Customs Duties.

The Agricultural Trade Development and Assistance Act of 1954, referred to in subsecs. (c)(1), (d)(1), is act July 10, 1954, ch. 649, 68 Stat. 454, as amended, which is classified generally to chapter 41 (§1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables.

The Foreign Assistance Act of 1961, referred to in subsecs. (c)(2), (d)(2), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§2151 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of Title 22 and Tables.

AMENDMENTS

1988—Subsec. (b). Pub. L. 100-418, §1214(a)(2)(A), substituted “Harmonized Tariff Schedule of the United States Annotated for Statistical Reporting Purposes and general statistical note 1 thereof” for “Tariff Schedules of the United States Annotated and general statistical headnote 1 thereof”.

Subsec. (e). Pub. L. 100-418, §1932, inserted at end “The information required to be reported under this subsection shall be reported in a form that is adjusted for economic inflation or deflation (on a constant dollar basis consistent with the reporting of the National Income and Product Accounts), and in a form that is not so adjusted.”

Pub. L. 100-418, §1931(a), struck out at end “The values and balance of trade required to be reported by this subsection shall be released no later than 48 hours before the release of any other government statistics concerning values of United States imports or United States balance of trade, or statistics from which such values or balance may be derived.”

Pub. L. 100-418, §1214(a)(2)(B), substituted “heading or subheading in the Harmonized Tariff Schedule of the United States Annotated for Statistical Reporting Purposes” for “item in the Tariff Schedules of the United States Annotated” in first sentence.

Subsec. (f). Pub. L. 100-418, §1214(a)(2)(C), substituted “heading or subheading in the Harmonized Tariff Schedule of the United States Annotated for Statistical Reporting Purposes” for “item of the Tariff Schedules of the United States Annotated” and “under that heading or subheading” for “under that item”, in two places.

1980—Subsec. (g). Pub. L. 96-275 added subsec. (g).

1979—Subsecs. (e), (f). Pub. L. 96-39 added subsecs. (e) and (f).

1975—Pub. L. 93-618 designated existing provisions as subsec. (a) and added subsecs. (b) to (d).

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 1214(a)(2) of Pub. L. 100-418 effective Jan. 1, 1989, and applicable with respect to articles entered on or after such date, see section 1217(b)(1) of Pub. L. 100-418, set out as an Effective Date note under section 3001 of Title 19, Customs Duties.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 4 of Pub. L. 96-275 provided that:

“(a) Except as provided in subsection (b), this Act, and the amendments made by this Act [amending this section and enacting provisions set out as a note under this section], shall become effective on the later of July 1, 1980, or the date of enactment of this Act [June 17, 1980].

“(b) The amendment made by section 2 [amending section 93 of former Title 46, Shipping] shall become ef-

fective on the date which is forty-five days after the date of enactment of this Act [June 17, 1980].”

EFFECTIVE DATE OF 1979 AMENDMENT

Section 1108(b) of Pub. L. 96-39 provided that: “The amendment made by subsection (a) [amending this section] shall apply to reports made after December 31, 1979.”

EFFECTIVE DATE OF 1975 AMENDMENT

Section 609(b) of Pub. L. 93-618 provided that: “The amendments made by subsection (a) [amending this section] shall take effect on January 1, 1975.”

EFFECTIVE DATE

Section 4 of Pub. L. 87-826 provided that: “The provisions of this Act [enacting section 301 et seq. of this title and repealing sections 173, 174, 177, 179, 181, 184 to 187, and 193 of Title 15, Commerce and Trade, sections 92 and 95 of former Title 46, Shipping, and section 1486 of Title 48, Territories and Insular Possessions] shall take effect one hundred and eighty days after approval [Oct. 15, 1962], except that the last sentence of section 337, “Fifth” of the Revised Statutes [section 174 of Title 15], and the requirement for oaths as found in section 4200 of the Revised Statutes [section 92 of former Title 46] shall be repealed effective on the date this Act is approved [Oct. 15, 1962].”

VOLUMETRIC INDEX

Section 1931(b) of Pub. L. 100-418 provided that:

“(1) The Director of the Census, in consultation with the Director of the Bureau of Economic Analysis and the Commissioner of Labor Statistics, shall conduct a study to determine the feasibility of developing, and of publishing, an index that measures the real volume of merchandise trade on a monthly basis, which would be reported simultaneously with the balance of merchandise trade for the United States.

“(2) The Director of the Census shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the study conducted under paragraph (1) by no later than the date that is one year after the date of enactment of this Act [Aug. 23, 1988].”

CONGRESSIONAL ACCESS TO INFORMATION

Section 3 of Pub. L. 96-275 provided that: “Nothing in this Act [enacting subsec. (g) of this section, amending section 93 of former Title 46, Shipping, and enacting provisions set out as notes under this section] shall be construed as authorizing the withholding of information from Congress.”

§ 302. Rules, regulations, and orders

The Secretary may make such rules, regulations, and orders as he deems necessary or appropriate to carry out the provisions of this chapter. Any rules, regulations, or orders issued pursuant to this authority may be established in such form or manner, may contain such classifications or differentiations, and may provide for such adjustments and reasonable exceptions as in the judgment of the Secretary are necessary or proper to effectuate the purpose of this chapter, or to prevent circumvention or evasion of any rule, regulation, or order issued hereunder. The Secretary may also provide by rule or regulation, for such confidentiality, publication, or disclosure, of information collected hereunder as he may deem necessary or appropriate in the public interest. Rules, regulations, and orders, or amendments thereto shall have the concurrence of the Secretary of the Treasury prior to promulgation.

(Added Pub. L. 87-826, §2, Oct. 15, 1962, 76 Stat. 951.)

§ 303. Secretary of Treasury functions

To assist the Secretary to carry out the provisions of this chapter, the Secretary of the Treasury shall collect information in the form and manner prescribed by the regulations issued pursuant to this chapter from persons engaged in foreign commerce or trade, other than by mail, and from the owners or operators of carriers.

(Added Pub. L. 87-826, §2, Oct. 15, 1962, 76 Stat. 951.)

§ 304. Filing export information, delayed filings, penalties for failure to file

(a) The information or reports in connection with the exportation or transportation of cargo required to be filed by carriers with the Secretary of the Treasury under any rule, regulation, or order issued pursuant to this chapter may be filed after the departure of such carrier from the port or place of exportation or transportation, whether such departing carrier is destined directly to a foreign port or place or to a noncontiguous area, or proceeds by way of other ports or places of the United States, provided that a bond in an approved form in the penal sum of \$1,000 is filed with the Secretary of the Treasury. The Secretary of Commerce may, by a rule, regulation, or order issued in conformity herewith, prescribe a maximum period after such departure during which the required information or reports may be filed. In the event any such information or report is not filed within such prescribed period, a penalty not to exceed \$100 for each day's delinquency beyond the prescribed period, but not more than \$1,000, shall be exacted. Civil suit may be instituted in the name of the United States against the principal and surety for the recovery of any penalties that may accrue and be exacted in accordance with the terms of the bond.

(b) The Secretary may remit or mitigate any penalty incurred for violations of this section and regulations issued pursuant thereto if, in his opinion, they were incurred without willful negligence or fraud, or other circumstances justify a remission or mitigation.

(Added Pub. L. 87-826, §2, Oct. 15, 1962, 76 Stat. 952.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 305 of this title.

§ 305. Violations, penalties

Any person, including the owners or operators of carriers, violating the provisions of this chapter, or any rule, regulation, or order issued thereunder, except as provided in section 304 above, shall be liable to a penalty not to exceed \$1,000 in addition to any other penalty imposed by law. The amount of any such penalty shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States.

(Added Pub. L. 87-826, §2, Oct. 15, 1962, 76 Stat. 952.)

§ 306. Delegation of functions

Subject to the concurrence of the head of the department or agency concerned, the Secretary may make such provisions as he shall deem appropriate, authorizing the performance by any officer, agency, or employee of the United States Government departments or offices, or the governments of any areas over which the United States exercises sovereignty, jurisdiction, or control, of any function of the Secretary, contained in this chapter.

(Added Pub. L. 87-826, §2, Oct. 15, 1962, 76 Stat. 952.)

§ 307. Relationship to general census law

The following sections only, 1, 2, 3, 4, 5, 6, 7, 11, 21, 22, 23, 24, 211, 212, 213, and 214, of chapters 1 through 7 of this title are applicable to this chapter.

(Added Pub. L. 87-826, §2, Oct. 15, 1962, 76 Stat. 952.)

CHAPTER 10—EXCHANGE OF CENSUS INFORMATION

Sec.

401. Exchange of census information with Bureau of Economic Analysis.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 9 of this title.

§ 401. Exchange of census information with Bureau of Economic Analysis

(a) EXCHANGE OF INFORMATION.—The Bureau of the Census shall exchange with the Bureau of Economic Analysis of the Department of Commerce information collected under this title, and under the International Investment and Trade in Services Survey Act, that pertains to any business enterprise that is operating in the United States, if the Secretary of Commerce determines such information is appropriate to augment and improve the quality of data collected under the International Investment and Trade in Services Survey Act. Information provided to the Bureau of Economic Analysis by the Bureau of the Census shall be only those data collected directly from respondents by the Bureau of the Census.

(b) REQUESTS FOR INFORMATION.—The Director of the Bureau requesting information under this section shall make the request in writing and shall certify that the information will be used only for statistical activities performed to improve the quality of data collected under the authority of title 13, United States Code, and the International Investment and Trade in Services Survey Act.

(c) DEFINITION.—As used in subsection (a), the terms “business enterprise” and “United States” have the meanings given those terms in section 3 of the International Investment and Trade in Services Survey Act.

(Added Pub. L. 101-533, §5(a), Nov. 7, 1990, 104 Stat. 2347.)

REFERENCES IN TEXT

The International Investment and Trade in Services Survey Act, referred to in text, is Pub. L. 94-472, Oct.